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10/752,737	01/06/2004	Allen DorEl	023243.0003US1	4748
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Rutan & Tucker, LLP. Hani Z. Sayed 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626			EKPO, NNENNA NGOZI	
			ART UNIT	PAPER NUMBER
			2623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/752,737	DOREL, ALLEN	
	Examiner	Art Unit	
	Nnenna N. Ekpo	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/06/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/18/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Information Disclosure Statement

1. The reference listed in the Information Disclosure Statement filed on September 18, 2007 has been considered by the examiner (see attached PTO-1449 form).

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Issue I: U.S. Patent Number 5,721,951

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3. **Claims 1, 17 and 33** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1, 13 and 25** of U.S. Patent No. 5,721,951. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons.

In regards to **claim 1**, it is noted that claim 1 of the instant application corresponds to patented claim 1 of U.S. Patent Number 5,721,951, both claim 1 of the instant application and the patented claim 1 of the U.S. Patent 5,721,951 discloses a multimedia apparatus configured for use in a home entertainment system, said apparatus comprising (see col. 9, lines 59-60):

reading means for receiving a portable recording medium and reading a software program stored thereon (see col. 9, lines 61-62);

a processing device configured to identify the software program received by the data communications link and to determine whether said software program needs to be installed or has already been installed, and if it needs to be installed, to determine whether installation information relating to the software program is available to the processing device, said processing device further being configured to begin playing the software program if it has already been installed or to automatically initialize an installation of the software program prior to playing the software program if the installation information is available (see col.9, lines 63-67, col. 10, lines 1-8); and

an output means for providing audio and image data resulting from playing of the software program to the home system (see col. 10, lines 9-11).

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In regards to **claim 17**, it is noted that claim 17 of the instant application corresponds to patented claim 13 of U.S Patent Number 5,721,951, both claim 17 of the instant application and the patented claim 13 of U.S. Patent Number 5,721,951

discloses a home entertainment system comprising (see col. 10, lines 62):

an input for receiving user commands (see col. 10, line 63);

a display for presentation of image data (see col. 10, line 64);

an audio circuit for presentation of audio data (see col. 10, line 65);

one or more audio or video components for playing audio or video recordings (see col. 10, lines 66-67); and

a multimedia apparatus having capability of playing software programs, comprising (see col. 11, lines 1-2):

reading means for receiving a portable recording medium and reading a software program stored thereon (see col. 11, lines 3-4);

a processing device configured to identify the software program received by the data communications link and to determine whether said software program needs to be installed or has already been installed, and if it needs to be installed, to determine whether installation information relating to the software program is available to the processing device, said processing device further being configured to begin playing the software program if it has already been installed or to automatically initialize an installation of the software program prior to playing the software program if the installation information is available (see col. 11, lines 5-18); and

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an output means for providing audio and image data resulting from the playing of the software program to the audio means and the display means (see col. 11, lines 19-21).

In regards to **claim 33**, it is noted that claim 33 of the instant application corresponds to patented claim 25 of U.S Patent Number 5,721,951, both claim 33 of the instant application and the patented claim 25 of U.S. Patent Number 5,721,951 discloses a method of executing a software program in a home entertainment system, said method comprising (see col. 12, lines 3-4):

providing a reading means for receiving a portable recording medium and reading a software program stored thereon (see col. 12, lines 5-7);

identifying the software program being read by the reading means (see col. 12, lines 8-9);

determining whether the software program needs to be installed or has already been installed, and should it need to be installed, whether installation information relating to the software program being read by the reading means is available to be used to perform an automatic installation of the software program (see col. 12, lines 10-15);

beginning the playing of the software program if it has already been installed or automatically initializing an installation of the software program prior to executing the software program if the installation is available (see col. 12, lines 16-19); and

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providing audio and image data resulting from the playing of the software program to the home entertainment system (see col. 12, lines 20-22).

4. **Claims 3-8, 10-12, 19-24, 26-28, 35-40 and 42-44** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatented over claims 3-8, 10-12, 15-20, 22-24, 27-32 and 34-36 of U.S. Patent Number 5,721,951.

In regards to **claims 3, 19 and 35** it is noted that claims 3, 19 and 35 of the instant application corresponds to patented claims 3, 15 and 27 of U.S Patent Number 5,721,951, both claims 3, 19 and 35 of the instant application and the patented claims 3, 15 and 27 of U.S. Patent Number 5,721,951 discloses the multimedia apparatus further comprising a database containing installation information relating to software programs identifiable for playing by the multimedia apparatus, wherein the processing device is configured to determine whether installation information relating to the software program being read by the reading means is available to the processing device by looking up the database (see claim 3, lines 1-8, claim 15, lines 8 and claim 27, lines 1-8 of U.S. Patent Number 5,721,951).

In regards to **claims 4, 20 and 36** it is noted that claims 4, 20 and 36 of the instant application corresponds to patented claims 4, 16 and 28 of U.S Patent Number 5,721,951, both claims 4, 20 and 36 of the instant application and the patented claims 4, 16 and 28 of U.S. Patent Number 5,721,951 discloses the multimedia apparatus, wherein the database includes an installation status table containing installation

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information for particular software programs identifiable by the multimedia apparatus
(see claim 4, lines 1-4 and claim 16, lines 1-4, claim 28, lines 1-3 of U.S. Patent Number
5,721,951).

In regards to **claims 5, 21 and 37** it is noted that claims 5, 21 and 37 of the
instant application corresponds to patented claims 5, 17 and 29 of U.S Patent Number
5,721,951, both claims 5, 21 and 37 of the instant application and the patented claims 5,
17 and 29 of U.S. Patent Number 5,721,951 discloses the multimedia apparatus
wherein the processing device is configured to identify said software program by
deriving a unique identifier from unique elements intrinsic to said software program (see
claim 5, lines 1-4, claim 17, lines 1-4 and claim 29, lines 1-3 of U.S. Patent Number
5,721,951).

In regards to **claims 6, 22 and 38** it is noted that claims 6, 22 and 38 of the
instant application corresponds to patented claims 6, 18 and 30 of U.S Patent Number
5,721,951, both claims 6, 22 and 38 of the instant application and the patented claims 6,
18 and 30 of U.S. Patent Number 5,721,951 discloses the multimedia apparatus
wherein the processing device is further configured to match said unique identifier to the
installation information in the database (see claim 6, lines 1-4, claim 18, lines 1-4 and
claim 30, lines 1-3 of U.S. Patent Number 5,721,951).

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In regards to **claims 7, 23 and 39** it is noted that claims 7, 23 and 39 of the instant application corresponds to patented claims 7, 19 and 31 of U.S Patent Number 5,721,951, both claims 7, 23 and 39 of the instant application and the patented claims 7, 19 and 31 of U.S. Patent Number 5,721,951 discloses the multimedia apparatus, wherein the processing device is further configured to derive said unique identifier by computing a hash function derived from a file allocation table of the portable recording medium (see claim 7, lines 1-5, claim 19, lines 1-5 and claim 31, lines 1-4 of U.S. Patent Number 5,721,951).

In regards to **claims 8, 24 and 40** it is noted that claims 8, 24 and 40 of the instant application corresponds to patented claims 8, 20 and 32 of U.S Patent Number 5,721,951, both claims 8, 24 and 40 of the instant application and the patented claims 8, 20 and 32 of U.S. Patent Number 5,721,951 discloses the multimedia apparatus wherein the processing device is configured to be backward compatible to play those software programs that are formatted to be executed on at least one personal computer platform without requiring prior modification to such software programs (see claim 8, lines 1-6, claim 20, lines 1-6 and claim 32, lines 1-6 of U.S. Patent Number 5,721,951).

In regards to **claims 10, 26 and 42** it is noted that claims 10, 26 and 42 of the instant application corresponds to patented claims 10, 22 and 34 of U.S Patent Number 5,721,951, both claims 10, 26 and 42 of the instant application and the patented claims 10, 22 and 34 of U.S. Patent Number 5,721,951 discloses the multimedia apparatus

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wherein the processing device is configured to identify the software program independent of external networks (see claim 10, lines 1-3, claim 22, lines 1-3 and claim 34, lines 1-2 of U.S. Patent Number 5,721,951).

In regards to **claims 11, 27 and 43** it is noted that claims 11, 27 and 43 of the instant application corresponds to patented claims 11, 23 and 35 of U.S Patent Number 5,721,951, both claims 11, 27 and 43 of the instant application and the patented claims 11, 23 and 35 of U.S. Patent Number 5,721,951 discloses the multimedia apparatus wherein the output means is configured to provide the image data in a format compatible for display by a television monitor in the home entertainment system (see claim 11, lines 1-4, claim 23, lines 1-4 and claim 35, lines 1-4 of U.S. Patent Number 5,721,951).

In regards to **claims 12, 28 and 44** it is noted that claims 12, 28 and 44 of the instant application corresponds to patented claims 12, 24 and 36 of U.S Patent Number 5,721,951, both claims 12, 28 and 44 of the instant application and the patented claims 12, 24 and 36 of U.S. Patent Number 5,721,951 discloses the multimedia apparatus wherein the processing device is configured to perform personal computer tasks and the output means is configured to provide the image data in a format that does not require a computer monitor (see claim 12, lines 1-5, claim 24, lines 1-5 and claim 36, lines 1-4 of U.S. Patent Number 5,721,951).

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-12, 17-28, 33-44 and 55-59** are rejected under 35 U.S.C. 102(b) as being anticipated by DorEl (U.S. Patent No. 5,721,951).

Regarding **claim 1**, DorEl discloses a multimedia apparatus configured for use in a home entertainment system, said apparatus comprising (see fig 1, col. 2, lines 57-60, col. 3, lines 65-67 and col. 4, lines 1-5):

a data communication link configured to receive a software program via a network; (see fig 5 (38), col. 3, lines 16-21 and col. 7, lines 17-27)

a processing device configured to identify the software program received by the data communications link and to determine whether said software program needs to be installed or has already been installed, and if it needs to be installed, to determine whether installation information relating to the software program is available to the processing device, said processing device further being configured to begin playing the software program if it has already been installed or to automatically initialize an installation of the software program prior to playing the software program if the installation information is available (see fig 3 and col. 5, lines 27-67, col. 6, lines 1-21);
and

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an output means for providing audio and image data resulting from playing of the software program to the home system (see col. 2, lines 62-67).

Regarding **claim 17**, DorEl discloses a home entertainment system comprising (see col. 2, lines 57-62):

an input for receiving user commands (see col. 4, lines 57-63);

a display for presentation of image data (see col. 4, lines 42-47);

an audio circuit for presentation of audio data (see col. 4, lines 38-41);

one or more audio or video components for playing audio or video recordings (see col. 6, lines 35-49); and

a multimedia apparatus having capability of playing software programs, comprising (see col. 6, lines 66-67 and col. 7, lines 1-6):

a data communications link configured to receive a software program via a network; (see fig 5 (38), col. 3, lines 16-21 and col. 7, lines 17-27)

a processing device configured to identify the software program received by the data communications link and to determine whether said software program needs to be installed or has already been installed, and if it needs to be installed, to determine whether installation information relating to the software program is available to the processing device, said processing device further being configured to begin playing the software program if it has already been installed or to automatically initialize an installation of the software program prior to playing the software program if the

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installation information is available (see fig 3 and col. 5, lines 27-67, col. 6, lines 1-21);
and

an output means for providing audio and image data resulting from the playing of
the software program to the audio means and the display means (see col. 2, lines 62-
67).

Regarding **claim 33**, DorEl discloses a method of executing a software program
in a home entertainment system, said method comprising (see col. 9, lines 29-32):

providing a data communications link configured to receive software program
from a network (see fig 5 (38), col. 3, lines 16-21 and col. 7, lines 17-27);

identifying the software program being read by the reading means (see col. 5,
lines 39-47 and col. 12, lines 8-9);

determining whether the software program needs to be installed or has already
been installed, and should it need to be installed, whether installation information
relating to the software program being read by the reading means is available to be
used to perform an automatic installation of the software program (see fig 3 and col. 5,
lines 27-67, col. 6, lines 1-21);

beginning the playing of the software program if it has already been installed or
automatically initializing an installation of the software program prior to executing the
software program if the installation is available (see fig 3 and col. 5, lines 55-67, col. 6,
lines 1-21); and

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providing audio and image data resulting from the playing of the software program to the home entertainment system (see col. 2, lines 62-67).

Regarding **claims 2, 18 and 34**, DorEl discloses everything claimed as applied above (see *claims 1, 17 and 33*). The multimedia apparatus wherein the network (wide area network) comprises the Internet (see col. 7, lines 19-27).

Regarding **claims 3, 19 and 35**, DorEl discloses everything claimed as applied above (see *claims 1, 17 and 33*). The multimedia apparatus further comprising a database containing installation information relating to software programs identifiable for playing by the multimedia apparatus, wherein the processing device is configured to determine whether installation information relating to the software program being read by the reading means is available to the processing device by looking up the database (see col. 3, lines 3-15).

Regarding **claims 4, 20 and 36**, DorEl discloses everything claimed as applied above (see *claims 3, 19 and 35*). The multimedia apparatus wherein the database includes an installation status table containing installation information for particular software programs identifiable by the multimedia apparatus (see col. 5, 27-31).

Regarding **claims 5, 21 and 37**, DorEl discloses everything claimed as applied above (see *claims 1, 17 and 33*). The multimedia apparatus wherein the processing

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device is configured to identify said software program (CD-ROM or other multimedia medium) by deriving a unique identifier from unique elements intrinsic to said software program (see col. 3, lines 13-15).

Regarding **claims 6, 22 and 38**, DorEl discloses everything claimed as applied above (*see claims 5, 21 and 37*). The multimedia apparatus wherein the processing device is further configured to match said unique identifier (identifier) to the installation information in the database (IST) (see col. 5, lines 48-50).

Regarding **claims 7, 23 and 39**, DorEl discloses everything claimed as applied above (*see claims 5, 21 and 37*). The multimedia apparatus wherein the processing device is further configured to derive said unique identifier (identifier or fingerprint) by computing a hash function derived from a file allocation table of the portable recording medium (see col. 5, lines 39-47).

Regarding **claims 8, 24 and 40**, DorEl discloses everything claimed as applied above (*see claims 1, 21 and 33*). The multimedia apparatus wherein the processing device is configured to be backward compatible to play those software programs that are formatted to be executed on at least one personal computer platform without requiring prior modification to such software programs (see col. 4, lines 8-31).

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Regarding **claims 9, 25 and 41**, DorEl discloses everything claimed as applied above (*see claims 8, 24 and 40*). The multimedia apparatus wherein the processing device is compatible with an operating system selected from the group consisting of DOS, Linux, Mac OS, and Windows (see col. 4, lines 24-31 (windows)).

Regarding **claims 10, 26 and 42**, DorEl discloses everything claimed as applied above (*see claims 1, 17 and 41*). The multimedia apparatus wherein the processing device is configured to identify the software program independent of external networks (see col. 7, lines 37-50).

Regarding **claims 11, 27 and 43**, DorEl discloses everything claimed as applied above (*see claims 1, 17 and 41*). The multimedia apparatus wherein the output means is configured to provide the image data in a format compatible for display by a television monitor in the home entertainment system (see col. 2, lines 57-67 and col. 3, lines 1-2).

Regarding **claims 12, 28 and 44**, DorEl discloses everything claimed as applied above (*see claims 1, 17 and 41*). The multimedia apparatus wherein the processing device is configured to perform personal computer tasks and the output means is configured to provide the image data in a format that does not require a computer monitor (see col. 2, lines 5-11 and col. 7, lines 19-27).

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Regarding **claim 55**, DorEl discloses a method for installing a software program, the method comprising (see col. 3, lines 3-15):

defining a known computer system (MPC) for executing the software program (see col. 4, lines 8-31), the known computer system at least partially defining a known installation procedure for the known computer system (see col. 5, lines 17-26); and providing a script defined at least in part by the known installation procedure (see col. 5, lines 60-66).

Regarding **claim 56**, DorEl discloses a method for installing a software program, the method comprising (see col. 3, lines 3-15):

providing a database that contains installation information (see col. 3, lines 10-15);
updating (entries) the database (table) via at least one of a network and portable media (multimedia medium) (see col. 3, lines 13-15); and
using the installation information to perform an installation of the software program (see col. 5, lines 17-26).

Regarding **claim 57**, DorEl discloses everything claimed as applied above (see *claim 56*). The multimedia apparatus wherein the instruction set comprises an installation script (see col. 5, lines 60-66).

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Regarding **claim 58**, DorEl discloses everything claimed as applied above (see *claim 56*). The method wherein the database contains a plurality of installation scripts (executing a specified "run" protocol, copying files etc) for a plurality of software programs (CD-ROM disc, video and audio CD's (col. 5, lines 35-39)) (see col. 5, lines 60-66).

Regarding **claim 59**, DorEl discloses a method for installing a software program, the method comprising (see col. 3, lines 3-15) using a script to at least partially install the software program without identifying the software program (if the CD-ROM title is not stored in the IST) (see col. 5, lines 60-67 and col. 6, lines 1-10).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 13-16, 32, 45-54 and 60** are rejected under 35 U.S.C. 103(a) as being unpatentable over DorEl (U.S. Patent No. 5,721,951) in view of Ooe (U.S. Patent No. 5,901,328)

Regarding **claims 13, 29 and 45**, DorEl discloses everything claimed as applied above (see *claims 1 and 17*). A method for automatically installing a software program

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from a CD-ROM/DVD, facilitating automatic installation of the software program (see col. 3, lines 3-15).

However, DorEl fails to specifically disclose storing an instruction set in a header information area of the CD-ROM/DVD.

Ooe discloses storing an instruction set in a header information area of the disk (see col. 12, lines 28-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify DorEl's invention with the above mentioned limitation as taught by Ooe for the advantage of improving performance.

Regarding **claims 14, 30 and 46**, DorEl discloses everything claimed as applied above (see *claims 13, 29 and 45*). The multimedia apparatus wherein the software program comprises a game (see col. 8, lines 9-14).

Regarding **claims 15, 31 and 47**, DorEl discloses everything claimed as applied above (see *claims 13, 29 and 45*). The multimedia apparatus wherein the instruction set comprises a script (see col. 5, lines 60-66).

Regarding **claims 16, 32 and 48**, DorEl discloses everything claimed as applied above (see *claims 13, 29 and 45*). The multimedia apparatus wherein the instruction set comprises an installation script (see col. 5, lines 60-66).

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Regarding **claim 49**, DorEl discloses a computer readable medium comprising
(see col. 2, lines 51-56):

software program (see col. 2, lines 51-56) and facilitating installation of the
software program (see col. 3, lines 3-15).

However, DorEl fails to specifically disclose a header information area, a data
area and an instruction set stored in the header information area.

Ooe discloses a header information area (see col. 9, lines 36-38 and fig 9);
a data area (see col. 5, lines 60-66 and fig 4 (116)) and an instruction set stored
in the header information area (see col. 12, lines 28-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at
the time the invention was made to modify DorEl's invention with the above mentioned
limitation as taught by Ooe for the advantage of retrieving stored programs.

Regarding **claim 50**, DorEl discloses everything claimed as applied above (see
claim 49). The multimedia apparatus wherein the software program comprises a game
(see col. 8, lines 9-14).

Regarding **claim 51**, DorEl discloses everything claimed as applied above (see
claim 49). The multimedia apparatus wherein the instruction set comprises a script (see
col. 5, lines 60-66).

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Regarding **claim 52**, DorEl discloses everything claimed as applied above (see *claim 49*). The multimedia apparatus wherein the instruction set comprises an installation script (see col. 5, lines 60-66).

Regarding **claim 53**, DorEl discloses everything claimed as applied above (see *claim 49*). The computer readable medium wherein the computer readable medium comprises a CD-ROM (see col. 2, lines 51-56).

Regarding **claim 54**, DorEl discloses everything claimed as applied above (see *claim 49*). The computer readable medium wherein the computer readable medium comprises a DVD (see col. 8, lines 66-67 and col. 9, lines 1-2).

Regarding **claim 60**, DorEl discloses a method for installing a software program, the method comprising (see col. 3, lines 3-15):

providing the software program via a network (see col. 7, lines 17-27);

providing installation information (see col. 3, lines 10-15) and software program (see col. 2, lines 51-56); and

using the installation information to install the software program (see col. 5, lines 17-26).

However, DorEl fails to specifically disclose a header of a data transmission.

Ooe discloses a header of a data transmission (see col. 12, lines 34-39).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify DorEl's invention with the above mentioned limitation as taught by Ooe for the advantage of retrieving stored programs.

Citation of Pertinent Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshida et al. (US Publication Number 2003/0055657) discloses a decoding apparatus (see paragraph 0004).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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NNE/nne
December 1, 2007


BRIAN PENDLETON
SUPERVISORY PATENT EXAMINER

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